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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,620	10/29/2003	Johan Peter Dahlberg	DN2003073	5590
27280	7590	10/05/2005	EXAMINER	
THE GOODYEAR TIRE & RUBBER COMPANY INTELLECTUAL PROPERTY DEPARTMENT 823 1144 EAST MARKET STREET AKRON, OH 44316-0001			FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,620

Applicant(s)

DAHLBERG ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokutake (US 5,117,886, of record) and further in view of Sandstrom (US 6,230,773, of record). Tokutake and Sandstrom are applied in the same manner as set forth in the Non-Final rejection mailed on April 29, 2005.

Tokutake discloses a pneumatic tire construction having a carcass 10, a tread 3, and a belt reinforcing structure 25, wherein the axial distance between the bead heels increases upon inflation in order to provide improved vehicle turning performance/cornering power (Abstract and Column 2, Lines 55-65)- thus, the rim width is greater than the bead width of the vulcanized tire. The reference, however, is silent as to the inclusion of a runflat insert. In any event, it is extremely well known and conventional to include a sidewall insert in a wide variety of tires in order to provide increased rigidity in the sidewall and ultimately to provide a tire with the capability of operating in an underinflated condition, as shown for example by Sandstrom. It is emphasized that runflat inserts are extremely well known and extensively used in the tire industry. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to include said insert in the tire of Tokutake for the benefits detailed

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above. Lastly, it is noted that there is a reasonable expectation of success in obtaining the benefits of improved vehicle turning when modifying the tire of Tokutake to include a runflat insert.

It is noted that Tokutake expressly discloses the general concept of forming a bead width less than a rim width. Tokutake suggests that such a construction provides improved vehicle turning performance/cornering power. In describing the above noted axial distances (bead width and rim width), Tokutake suggests that the bead width is between 12.7 and 50.8 millimeters less than the rim width. It appears that such a construction provides a suitable gripping force against the rim to maintain the tire seated on said rim- such a force would be expected in the tire of Tokutake in view of Sandstrom.

As to claims 2-7, Sandstrom evidence the common structure and arrangement of runflat inserts.

Response to Arguments

3. Applicant's arguments filed July 21, 2005 have been fully considered but they are not persuasive.

Applicant initially argues self-supporting inserts are not extensively used in the tire industry and while all major manufacturers have developed some variation, the industry has been slow to adopt this technology. It is evident, though, that the general concept of providing sidewall inserts to provide improved runflat capability was well known prior to the filing of the current application, as shown for example by Sandstrom. Thus, one of ordinary skill in the art at the time of the invention would have found it

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obvious to include such a component in the tire of Tokutake to provide improved runflat capability. It is further noted that the background of Sandstrom states, "Tire construction have been suggested for pneumatic tires which are designed to be run without internal pressure....For example, tires have been suggested which have special sidewall inserts designed to improve sidewall stiffness, thereby reducing, or inhibiting, the tire's tendency to go flat without internal air pressure." (Column 1, Lines 10-20).

Applicant further contends that the tire of Tokutake relies on a decreased rigidity in the upper sidewall portion to achieve maximum cornering forces and improve the vehicle turning performance, which is contrary to the inclusion of a sidewall insert (argued that it increases rigidity in upper sidewall). However, Tokutake states, "in the tire according to the present invention, the rigidity of the inner sidewall portion is markedly increased as compared with that of the outer sidewall portion" (Column 7, Lines 34-40). Thus, it appears that the method of Tokutake requires a certain rigidity for the upper sidewall portion in relation to the lower sidewall portion. By including a runflat insert over the lower and upper sidewall portions, the absolute difference in rigidities would be maintained and the upper sidewall portion would be able to deform axially outward due to the radially outward dislocation of the inner sidewall portion.

Additionally, applicant contends that the concept of molding a bead base width equal to or less than a rim width is antithetical to conventional thought and practice. While it is agreed that wheel assemblies are more commonly formed with larger bead base widths, as compared to the rim width, the primary teaching (Tokutake) in the above rejection expressly suggests an assembly in which the bead base width is in fact

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less than the associated rim width. In particular, the reference states that such a design contributes to the improvement in vehicle turning performance since such a design allows the inner sidewall to adequately deform in the axial direction (Column 2, Lines 55-65). Lastly, it appears that the stress applied to the inserts in the tire of Tokutake, in view of Sandstrom, would be equal to those experienced in the inventive wheel assembly.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

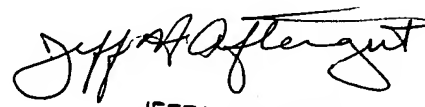
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Justin Fischer

September 27, 2005


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300